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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,708

01/06/2004

Lindeng Yu

12646-US-PA

1707

31561

7590

05/04/2006

EXAMINER

TRUONG, CAM Y T

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE

7 FLOOR-1, NO. 100

ROOSEVELT ROAD, SECTION 2

TAIPEI, 100

TAIWAN

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,708

Applicant(s)

YU ET AL.

Examiner

Cam Y T. Truong

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-15 are pending in this Office Action.

Information Disclosure Statement

2. The filed IDS on 1/16/2006 & 8/4/2005 are considered because they are not translated in English Language. Thus, Examiner cannot consider these IDS.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Aihara et al (or hereinafter "Aihara") (US 2006/0020828).

As to claim 8, Aihara teaches the claimed limitations:

"providing a backup data file comprising a self-restore program" as providing a data backup/restoring program (paragraph [0037]); and

"executing the self-restore program and performing the data restore in the mobile device" as if the authentication is made that the PDA at backup and the restore object PDA 10 are identical to each other, the system information checking means 116 checks the system information on the PDA 10, if a result of the check in the system information

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checking means 116 shows that the restore is normally feasible, the restore executing means 117 starts the restore processing and reads out the data in the memory card and writes it in the SDRAM 12 of PDA. The PDA is represented as mobile device (paragraphs [0060, 0061]).

As to claim 13, Aihara teaches the claimed limitation "wherein the mobile device is a Personal Digital Assistant (PDA)" as PDA (abstract).

As to claim 15, Aihara teaches the claimed limitation "wherein the mobile device is a Smart Phone" as portable telephone (abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Russon (US2003/0220894).

As to claim 9, Aihara does not explicitly teach the claimed limitation "wherein the step of executing the self-restore program and performing the data restore comprises: determining whether the backup data is existed in the backup data file, and if there is no backup data, the executing of the self-restore program is terminated".

Russon teaches if the metadata for the file is backed up in the database, the metadata can be restored with the file. The above information shows that if the metadata of the image file corresponding to the metadata in backup file, the metadata is restored (fig. 4, paragraph [0045]); if the metadata for the file is not backed up in the database, the metadata is not restored with the file (fig. 4, paragraph [0045]).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Russon's teaching of if the metadata for the file is backed up in the database, the metadata can be restored with the file to Aihara's system in order to save time for restoring/backup data.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Russon (US2003/0220894) and further in view of Lohn et al (or hereinafter "Lohn") (US 6950836).

As to claim 10, Aihara does not explicitly teach the claimed limitations "wherein the backup data file further comprises an original model data, and the step of executing the self-restore program and performing the data restore further comprises: reading an current model data of the mobile device; and comparing the current model data with the original model data, and if they are matched, all backup data in the backup data file are restored".

Lohn teaches providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the

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last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application. The above information indicates that if time of the damaged file matched with time of the last backup, the file is restored (col. 4, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Lohn's teaching of providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application to Aihara's system in order to restore a correct version of data corresponding to a user's request.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Russon (US2003/0220894) and further in view of Lohn et al (or hereinafter "Lohn") (US 6950836) and Bodnar (US 6295541).

As to claim 11, Aihara teaches the claimed limitation "and the step of executing the self-restore program and performing the data restore" as (abstract).

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Aihara does not explicitly teach the claimed limitation "wherein the backup data file further comprises a Personal Information Manager (PIM) data, reading and restoring the Personal Information Manager (PIM) data to the mobile device.

Bodnar teaches PIM data (col. 7, lines 35-40); restoring dataset of PIM to the client system (figs. 4A&5; col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bodnar's teaching of PIM data and restoring data set of PIM to the client system into Russon's system in order to restore files from one system to another system anytime.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Russon (US2003/0220894) and further in view of Lohn et al (or hereinafter "Lohn") (US 6950836), Bodnar and Dalrymple.

As to claim 12, Aihara teaches the claimed limitations:

" wherein the backup data file at least comprises an application data" as (paragraph [0009]), and "the step of executing the self-restore program and performing the data restore" as (paragraph [0010]);

"searching an application program corresponding to the application data within a registry of the mobile device" as a Universally Unique Identifier (UUID) in the memory card is read out there and an UUID of the PDA 10 which is an object of restore is read out from the UUID holding means 132 of PDA, and comparing these UUIDs to each

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other. The above information shows that the system searching the UUID corresponding to the object within a registry of the PDA. The UUID is not an application program (paragraph [0059-0061]),

“if it is found that there is an application program corresponding to the application data, the application data is restored; and if it is found that there is no application program corresponding to the application data, the application data is not restored” if they are matched, the restore is executed by reading out the data in the memory card and write it to the SDRAM of PDA. If there are not matched, the restore is not executed (paragraphs [0061-0062]).

Aihara does not explicitly teach the claimed limitation “an application program”.

Dalrymple teaches files, applications within a registry of a system (paragraph [0038]).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dalrymple’s teaching of files and applications within a registry of a system to Aihara’s system in order to restore copies of entries of common applications registry pertaining to the application program and to restore an application program including an application program configuration.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Bodnar.

As to claim 14, Aihara does not explicitly teach the claimed limitation “wherein the PDA is a Pocket PC”. Bodnar teaches PalmIot device (fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Palmto device to Aihara's system in order to restore/backup files in Palmto device to another system covalently during traveling.

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (US 2003/0220894) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199).

As to claim 1, Russon teaches a method suitable for an electronic system for restoring a backup data, comprising: providing a backup data file (abstract) comprising

"at least an application data" as application metadata (paragraph [0036];

"searching an application program corresponding to the application data within a registry of the electronic system" as searching said backup database for metadata associated with said identified image file. This database is not within a registry of the electronic system (col. Right, lines 10-11);

"if it is found that there is an application program corresponding to the application data, the application data is restored" as if the metadata for the file is backed up in the database, the metadata can be restored with the file. The above information shows that if the metadata of the image file corresponding to the metadata in backup file, the metadata is restored (fig. 4, paragraph [0045]);

" if it is found that there is no application program corresponding to the application data, the application data is not restored" as if the metadata for the file is not

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backed up in the database, the metadata is not restored with the file (fig. 4, paragraph [0045]).

Russon does not explicitly teach the claimed limitation "the application data within a registry of the electronic system".

Dalrymple teaches files, applications within a registry of a system (paragraph [0038]).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dalrymple's teaching of files and applications within a registry of a system to Russon's system in order to restore copies of entries of common applications registry pertaining to the application program and to restore an application program including an application program configuration.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (US 2003/0220894) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199) and further in view of Bodnar et al (or hereinafter "Bodnar") (US 6295541).

As to claim 2, Russon does not explicitly teaches the claimed limitation "wherein the backup data file further comprises a Personal Information Manager (PIM) data, and the method for restoring the backup data further comprises: reading and restoring the Personal Information Manager (PIM) data to the electronic system".

Bodnar teaches PIM data (col. 7, lines 35-40); restoring dataset of PIM to the client system (figs. 4A&5; col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bodnar's teaching of PIM data and restoring data set of PIM to the client system into Russon's system in order to restore files from one system to another system anytime.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (US 2003/0220894) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199) and further in view of Bodnar and Lohn et al (or hereinafter "Lohn") (US 6950836).

As to claim 3, Russon does not explicitly teach the claimed limitation:

" wherein the backup data file further comprises an original model data, and the method for restoring the backup data further comprises: reading an current model data of the electronic system; and comparing the current model data with the original model data, and if they are matched, all backup data in the backup data file are restored".

Lohn teaches providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application. The above

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information indicates that if time of the damaged file matched with time of the last backup, the file is restored (col. 4, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Lohn's teaching of providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application to Russon's system in order to restore a correct version of data corresponding to a user's request.

14. Claims 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (US 2003/0220894) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199) and further in view of Aihara et al (or hereinafter "Aihara") (US 2006/0020828).

As to claim 4, Russon does not explicitly teach the claimed limitation " wherein the electronic system is a mobile device". Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of PDA to Russon's system to

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restore backing up data to another system any time conveniently when traversing out of office.

As to claim 5, Russon does not explicitly teach the claimed limitation "wherein the mobile device is a Personal Digital Assistant (PDA).

Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of PDA to Russon's system in order to restore backing up data to another system any time conveniently when traversing out of office.

As to claim 7, Russon does not explicitly teach the claimed limitation "wherein the mobile device is a Smart Phone".

Aihara teaches portable telephone (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of portable telephone to Russon's system in order to restore backing up data to another system any time conveniently when traversing out of office.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (US 2003/0220894) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US

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2004/0107199) and further in view of Aihara et al (or hereinafter "Aihara") (US 2006/0020828) and Bodnar.

As to claim 6, Russon does not explicitly teach the claimed limitation "wherein the PDA is a Pocket PC". Bodnar teaches PalmIot device (fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply PalmIot device to Russon's system in order to restore/backup files in Palmto device to another system covalently during traveling.

16. Claims 1, 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Aihara et al (or hereinafter "Aihara") (US 2006/0020828) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199).

As to claim 1, Aihara teaches a method suitable for an electronic system for restoring a backup data, comprising: providing a backup data file (abstract) comprising "wherein the backup data file at least comprises an application data" as (paragraph [0009]), and "the step of executing the self-restore program and performing the data restore" as (paragraph [0010]);

"searching an application program corresponding to the application data within a registry of the mobile device" as a Universally Unique Identifier (UUID) in the memory card is read out there and an UUID of the PDA 10 which is an object of restore is read out from the UUID holding means 132 of PDA, and comparing these UUIDs to each

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other. The above information shows that the system searching the UUID corresponding to the object within a registry of the PDA. The UUID is not an application program (paragraph [0059-0061]),

"if it is found that there is an application program corresponding to the application data, the application data is restored; and if it is found that there is no application program corresponding to the application data, the application data is not restored" if they are matched, the restore is executed by reading out the data in the memory card and write it to the SDRAM of PDA. If there are not matched, the restore is not executed (paragraphs [0061-0062]).

Aihara does not explicitly teach the claimed limitation "an application program".

Dalrymple teaches files, applications within a registry of a system (paragraph [0038]).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dalrymple's teaching of files and applications within a registry of a system to Aihara's system in order to restore copies of entries of common applications registry pertaining to the application program and to restore an application program including an application program configuration.

As to claim 4, Aihara teaches the claimed limitation " wherein the electronic system is a mobile device" as PDA (abstract).

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As to claim 5, Aihara teaches the claimed limitation "wherein the mobile device is a Personal Digital Assistant (PDA)" as PDA (abstract).

As to claim 7, Aihara teaches the claimed limitation "wherein the mobile device is a Smart Phone" as portable telephone (abstract).

17. Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Aihara et al (or hereinafter "Aihara") (US 2006/0020828) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199) and further in view of Bodnar.

As to claim 2, Aihara does not explicitly teaches the claimed limitation "wherein the backup data file further comprises a Personal Information Manager (PIM) data, and the method for restoring the backup data further comprises: reading and restoring the Personal Information Manager (PIM) data to the electronic system".

Bodnar teaches PIM data (col. 7, lines 35-40); restoring dataset of PIM to the client system (figs. 4A&5; col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bodnar's teaching of PIM data and restoring data set of PIM to the client system into Aihara's system in order to restore files from one system to another system anytime.

As to claim 6, Aihara does not explicitly teach the claimed limitation "wherein the PDA is a Pocket PC". Bodnar teaches Palmto device (fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Palmto device to Aihara's system in order to restore/backup files in Palmto device to another system conveniently during traveling.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Aihara et al (or hereinafter "Aihara") (US 2006/0020828) in view of Dalrymple, III et al (or hereinafter "Dalrymple") (US 2004/0107199) and further in view of bodnar and Lohn.

As to claim 3, Aihara does not explicitly teach the claimed limitation:

" wherein the backup data file further comprises an original model data, and the method for restoring the backup data further comprises: reading an current model data of the electronic system; and comparing the current model data with the original model data, and if they are matched, all backup data in the backup data file are restored".

Lohn teaches providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application. The above

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information indicates that if time of the damaged file matched with time of the last backup, the file is restored (col. 4, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Lohn's teaching of providing time of the last modification of the damaged file, and the backup server provides the time of last backup. The file restore filter makes a comparison between the time of the last modification of the damaged file and time of the last backup to determine whether changes have been made since the last backup copy, if no change were made the damaged file since the last backup, the file is retrieved from the backup server 16 and transparently restored to the application to Aihara's system in order to restore a correct version of data corresponding to a user's request.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shen (US 6611850).

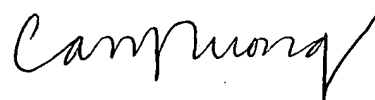
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Contact Information

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cam Y Truong
Primary Examiner
Art Unit 2162
4/20/2006